

**REMARKS**

Claims 1-8 are all the claims pending in the application. Applicant thanks the Examiner for indicating that claims 3, 4, 7 and 8 contain patentable subject matter, and would be allowable if rewritten into independent form. Applicant rewrites claims 3 and 4 into independent form by way of this Amendment, thus bringing claims 3, 4, 7 and 8 into condition for allowance. Claims 1, 2, 5 and 6 presently stand rejected.

Claims 1 and 5 are rejected under 35 U.S.C. § 102(e) as being anticipated by Hattori (6,699,085).

Claims 2 and 6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hattori (6,699,085).

**Analysis**

Claim 1 is the only claim in independent form; therefore, the following discussion is initially directed to this independent claim.

Claim 1 is directed to a throttle position detecting apparatus which includes an interlocking member which rotates with a throttle grip. A detecting unit detects the rotation angle of the interlocking member. A case integrally includes a first and second accommodation, wherein the interlocking member is rotatably accommodated in the first accommodation and the detecting unit is accommodated in the second accommodation. The throttle position detecting apparatus detects a throttle position on the basis of the rotation angle of the interlocking member detected by the detecting unit.

Hattori is directed to a throttle control system. Fig. 7 illustrates an elongated lever 304 having a shaft 308 in an upper partition 327 of a case 320. The alleged detecting unit 204 appears to be provided in the lower partition 329 of the case 320 (see the moveable contact 228).

However, the interlocking member of the present invention is a ring gear. This ring gear is accommodated in the case and is rotatable. On the other hand, Hattori does not teach or suggest that the interlocking member is a ring gear. Rather, this device has an elongated lever attached to a shaft member. Moreover, the shaft is accommodated in both the upper and lower partitions of the case, whereas the ring gear of the present invention is entirely disposed within the first accommodation.

Since the interlocking member structure of the present invention, as well as its disposition within the case, is distinguishable from Hattori, the claimed invention according to claim 1 is distinguishable from Hattori.

The remaining rejections are directed to the dependent claims 2, 5, and 6. These claims are patentable for at least the same reason as claim 1, by virtue of their dependency therefrom.


### **Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111  
U.S. Appln. No. 10/786,467

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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Ellen R. Smith  
Registration No. 43,042

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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